

Application No. 09/991,389
Amendment "B" dated March 22, 2005
Reply to Office Action mailed January 26, 2005

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on March 3, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The Final Office Action, mailed January 26, 2005, considered and rejected claims 1-9, 11-18, 52-54 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Logan (U.S. Patent No. 5,721,827) in view of Cannon (U.S. Patent No. 6,286,005) in further view of Kurtzman (U.S. Patent No. 6,144,944). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan, Cannon and Kurtzman in view of Applicant Admitted Prior Art. Claims 49 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan, Cannon, and Kurtzman in view of Wodarz (U.S. Patent No. 5,999,912). Claims 50 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan, Cannon and Kurtzman in view of Wodarz, in further view of Finseth (U.S. Patent No. 6,813,775)¹.

By this paper, claims 1 and 56-60 have been amended² and new claims 61-65 have been added³, such that claims 1-18 and 49-65 remain pending and of which claims 1 and 11 are the independent claims at issue.

As discussed during the interview, the pending claims are directed to embodiments in which advertising content is delivered to a viewer according to an advertising plan executed in a system having a processor. The recited method of claim 1 also includes receiving a schedule defining a time to display an advertisement, as well as a location and indicator of advertising type. An advertising weight is also received that is used to determine a frequency to display the advertising during a period of time. In response to receiving this information, the system generates a data file defining, for each advertisement, the advertising type, weight, location and schedule for display, wherein defining the weight comprises defining an absolute weight for each committed advertisement that corresponds to a guaranteed impression frequency for displaying each said committed advertisement during the period of time, and defining a relative weight to

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Claims 56-60 have been amended to fix minor informalities while claim 1 has been amended to clarify the different types of weights used to determine advertising frequency.

³ Support for the new claims and claim amendments is found, as shown during the interview, in at least paragraphs 17, 20, 38-39 and previously presented claims 1 and 4.

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each flexible advertisement that corresponds to a proportional allocation of remaining advertising inventory that can be used for displaying each said flexible advertisement. The method also includes delivering the advertisement content and the data file to at least one receiver and such that the advertisement is displayed according to the frequency defined by the weight of the advertisement within the defined period of time.

This same method is also incorporated within computer program product claim 11.

As discussed and generally agreed to during the interview, none of the cited art, either alone or in combination discloses or suggests the unique combination of elements that are recited in the claims. For example, the cited art fails, alone and in combination, fails to disclose or suggest, among other things, the defining of a weight to determine advertising display frequency for displaying advertisements during a particular period of time, particularly when considering that the act of defining the weight comprises "defining an absolute weight for each committed advertisement that corresponds to a guaranteed impression frequency for displaying each said committed advertisement during the period of time, and defining a relative weight to each flexible advertisement that corresponds to a proportional allocation of remaining advertising inventory that can be used for displaying each said flexible advertisement", as claimed.

For at least these reasons, as well as the others that were recited during the interview, Applicants respectfully submit that the pending claims are now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22 day of March, 2005.

Respectfully submitted,



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